

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN FLORES, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

DIAMOND BANK, FSB,

Defendant.

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(Case No. 07 C 6403
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(Judge Hibbler
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(Magistrate Judge Valdez
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DECLARATION OF MARK D. BELONGIA

I, Mark D. Belongia, first being sworn on oath, deposes and says that if sworn as a witness I could competently testify to the matters set forth herein from my own personal knowledge:


1. I am the lead defense attorney for Diamond Bank, FSB in the captioned case ("Bank").

2. The facts contained in the attached Defendant's Response in Opposition to the Motion for Sanctions are true and accurate.

3. On Friday, July 25, 2008, I initiated a phone call at about 4:55 p.m. to Plaintiff's counsel, Lance Raphael. This phone call was placed in response to an email sent by Plaintiff's counsel to me. During this conversation, Mr. Raphael accused the Bank's employees of committing perjury, accused me of suborning perjury, accused me of committing crimes in issuing subpoenas, and demanded that I personally pay his client money damages for issuing the subpoenas. He gave me an ultimatum of Monday, July 28, 2008 to call him with an offer of money to him and his client. I refused to comply with this outrageous demand.

4. I am outraged and appalled at Mr. Raphael's conduct and threats.

FURTHER, AFFIANT SAYETH NOT.



Mark D. Belongia

Subscribed and Sworn to before
me this 30th day of July, 2008.

Notary Public

